TESTIMONY ON HOUSE BILL 433
House Natural Resources Committee
February 14, 2010

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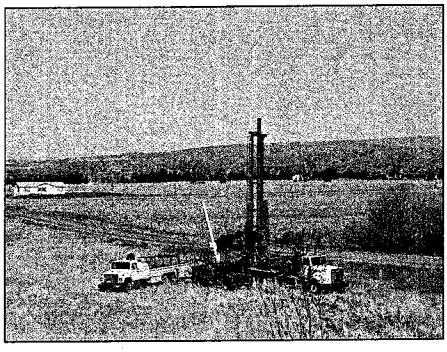
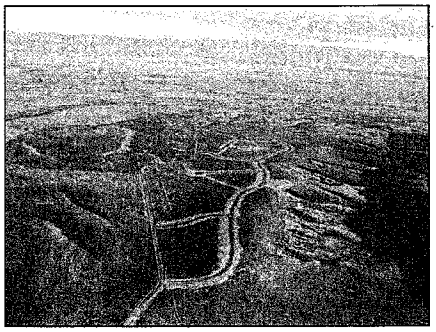
Gallatin Local Water Quality District



The Issue and The Problem



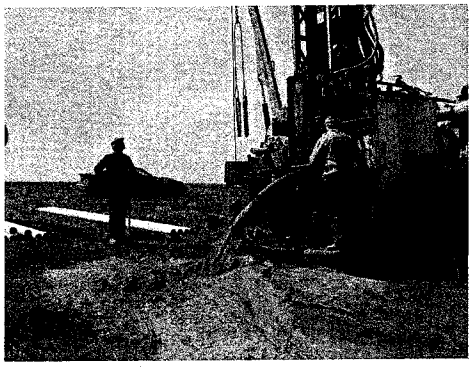
A recently approved subdivision in Gallatin County with fire ponds, all supplied by water from exempt wells.

In terms of impacts to water resources and existing water users, does it matter that these wells are not physically connected?

- The real issue here is not if the definition of combined appropriation should be in statute rather than in rules !
- The definition of combined appropriation is the problem, and the issue should be how can we fix it to make it fair to existing water users and protect water resources.
- Codifying the current definition solves no problems and creates new ones!

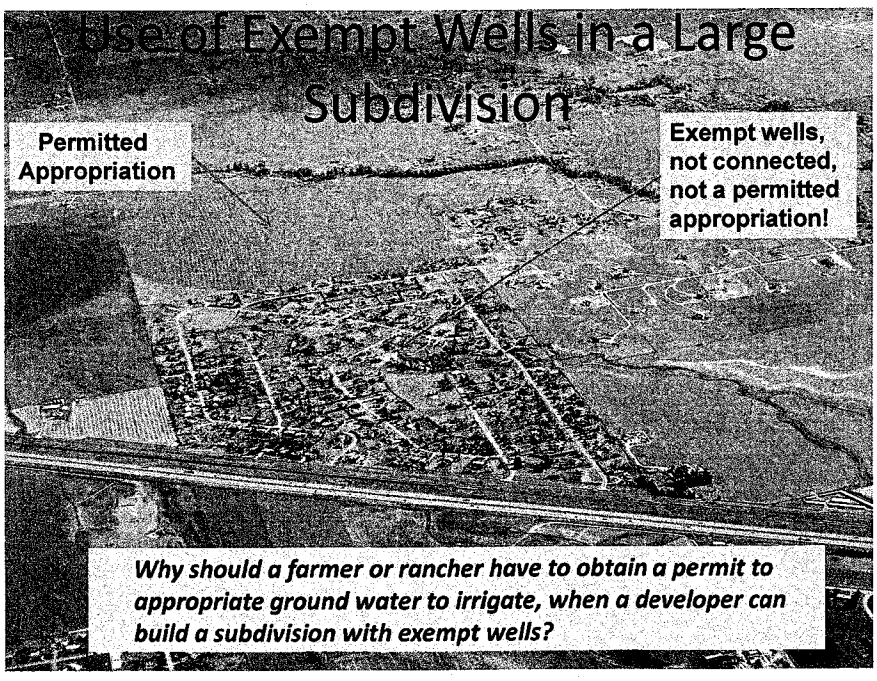
POSITION STATEMENT #1

- ✓ Use of exempt wells is appropriate in many situations, but there are problems with the use of multiple exempt wells as a combined appropriation in large subdivisions without the need for permitting or evaluation of potential impacts to water resources and existing water users!

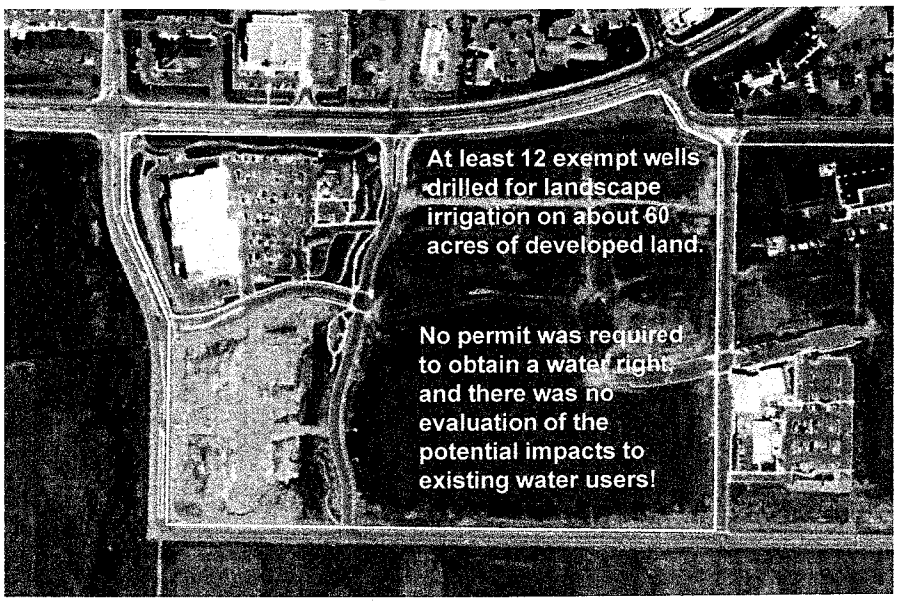


Passing HB433 will not solve these problems.

Not passing HB433 will help facilitate finding solutions to the problems!



Exempt Wells for Large Commercial Development



POSITION STATEMENT #2

The issue with use of multiple exempt wells to appropriate ground water is not so much the use of individual wells vs. a centralized water system, but rather the disparity with accounting for the potential impacts to water resources and existing water users!

Note: There are some public health issues associated with use of individual wells vs. central public water supply wells in residential subdivision!

POSITION STATEMENT #3

The focus for determining the impacts to water resources from any ground water appropriation should be on the consumptive use of water and the impacts of that use on ground water and surface water resources, and existing water users, regardless of how the water is appropriated!

Consumptive use is basically the water lost to the atmosphere after use, resulting in a loss to ground water and surface water resources.

POSITION STATEMENT #4

There is no free lunch. Residential, commercial, industrial, and agricultural pumping of ground water results in consumptive use. While you can argue that a few exempt wells use a diminimus amount of water, current widespread use of exempt wells in high growth counties consumes significant amounts of water and has the potential to impact existing water users.

It dosn't matter if the wells are physically connected together. What matters is that there is no fair process for appropriation and permitting of exempt wells used in subdivision and development.

How Much Consumptive Use Can Exempt Wells Result in?

- 70-lot subdivision, 1-acre lots, individual septic systems, exempt wells, 10-acres open space.
  - *Indoor consumptive use all lots* = 1 acre-foot
  - *Lot irrigation consumptive use, with 50% of 70 lots irrigated with 18"/year* = 53 acre-feet
  - *Open space irrigation consumptive use on 6 acres of the 10 acre open space* = 9 acre-feet
- Annual consumptive use 63-acre-feet (20.5 million gallons).

You could still argue that 63 acre-feet/year is not much water, but this is only one subdivision. But what about multiple subdivisions.

We don't need to eliminate the use of exempt wells, but we need to fix how they are being used in subdivision to account for their impacts.